

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

WANDA L. BOWLING

v.

RHONDA CHILDRESS-HERRES, ET AL.

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Civil Action No. 4:18-CV-610

(Judge Mazzant/Judge Nowak)

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On August 7, 2019, the report of the Magistrate Judge (Dkt. #125) was entered containing proposed findings of fact and recommendations that Defendant Rhonda Childress-Herres's "Second Amended Motion to Set Aside Clerk's Entry of Default, Amended Motion to Quash Service of Process, Amended Motion to Dismiss, and in the Alternative, Amended Motion for More Definite Statement" (Dkt. #108) be granted in part and denied part and Plaintiff's "Motion to Strike Rhonda Childress Herres's Three Motions to Dismiss" (Dkt. #113) be denied.

Having received the report of the Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Defendant Rhonda Childress-Herres's "Second Amended Motion to Set Aside Clerk's Entry of Default, Amended Motion to Quash Service of Process, Amended Motion to Dismiss, and in the Alternative, Amended Motion for More Definite Statement" (Dkt. #108) is **GRANTED IN PART AND DENIED IN PART**. Specifically, Defendant Childress-Herres's Motion to Set Aside the Clerk's Entry of Default is **GRANTED**, and the Clerk's Entry of Default against Defendant Childress-Herres is **SET ASIDE**. Defendant

Childress-Herres's Motion to Dismiss is **DENIED**. Defendant Childress-Herres's Motion for More Definite Statement is **GRANTED**. The Magistrate Judge shall issue an order directing Plaintiff to file an amended complaint.

In light of the foregoing, it is further **ORDERED** that Plaintiff's Motion for Default Judgment (Dkt. #79) is **DENIED AS MOOT**.

IT IS SO ORDERED.

SIGNED this 17th day of September, 2019.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE